

EXHIBIT A

(I of V)

Eli Mistovich, Jr.

09/22/2005

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 04-3746

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ELI MISTOVICH, JR.,
Plaintiff,

vs.

ELIZABETH BOWDEN, STEPHEN URBAN,
STEPHEN NEVERO, AND ALISON LEATON,
Defendants.

----- -x

DEPOSITION OF ELI MISTOVICH, JR.

Thursday, September 22, 2005, 11:30 a.m.

Prince, Lobel, Glovsky & Tye, LLP

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Boston, Massachusetts 02109

Reporter: Deborah L. Maren, RPR

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1 Q. I'd like to turn to Elizabeth Bowden first.
2 Name each and every way you think that Ms. Bowden
3 wrongfully interfered with your employment relationship
4 with MBCR.

5 MR. TEAGUE: Note my objection to the form
6 of the question. You can answer it as best you can.

7 A. Could you repeat that question?

8 Q. Sure. I want you to name each thing you
9 think that Ms. Bowden did or said that wrongly
10 interfered with your employment relationship with MBCR.

11 A. She presided over the first inquisition on
12 March 26th and was the -- took the lead and asked
13 questions and made several allegations that apparently
14 she got some information from Alison Leaton, which
15 ultimately led her, to the best of my knowledge, to
16 recommend my termination to General Manager Lydon.

17 Q. So just so that I'm clear, what parts of
18 that are you saying that she did that were wrongful?

19 Are you saying that participating in the
20 March 26th meeting was wrong, her participation in that
21 meeting?

22 A. I'm saying Bowden, as head of HR, giving
23 credence to allegations from Ms. Leaton, an independent
24 contractor whose six-month contract coincidentally was

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1 up at the end of March of 04, versus an employee with a
2 28-year above average career.

3 Q. So you're saying it was wrongful for her to
4 believe Alison Leaton instead of you? Is that correct?

5 A. Yes.

6 Q. In addition to her believing Alison
7 Leaton -- and do you have any reason to believe, as you
8 sit here today, that she didn't believe -- strike that.

9 As you understand it, she chose to believe
10 Alison Leaton; is that correct?

11 A. Yes.

12 Q. And as far as you know, she believed that
13 you were, in fact, discriminating against black
14 applicants; is that correct?

15 A. That was her allegation.

16 Q. That was whose allegation?

17 A. Leaton and Bowden.

18 Q. As far as you understand it or as far as
19 you know, Ms. Bowden believed Alison Leaton's
20 allegations that you had, in fact, discriminated against
21 black applicants; is that correct?

22 A. Yes.

23 Q. And what you found was wrongful about that
24 was that her not believing you instead of Alison

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1 Leaton; is that correct?

2 A. Yes.

3 Q. Apart from that, apart from her believing
4 Alison Leaton instead of you, are there other things
5 that you think Ms. Bowden did that were wrongful and
6 wrongfully interfered with your employment?

7 A. Could you ask that question one more time?

8 Q. Okay. I understand you to say that
9 Ms. Bowden wrongfully interfered with your employment by
10 choosing to believe Alison Leaton over you in terms of
11 whether or not you were discriminating against black
12 applicants. Is that correct?

13 A. Yes.

14 Q. I'm just wondering whether there was any
15 other way that you thought Elizabeth Bowden wrongfully
16 interfered with your employment with MBCR.

17 A. Well, it was apparent to me she was the
18 driving force behind the decision to terminate me.

19 Q. And what makes you say that?

20 A. Testimony last week by Mr. Urban, Nevero,
21 and Bowden was in on a meeting with Leaton and
22 recommended my termination.

23 Q. Any other reasons besides that that makes
24 you say that she was the driving force in your

1 taking over, held monthly meetings with all commuter
2 rail management to again try to arrange for a smooth
3 transition, including discussions of benefits, what
4 options you had for health care, life insurance, the
5 entire benefits package.

6 Q. And these were meetings with a bunch of
7 managers and Ms. Bowden?

8 A. Yes.

9 Q. And apart from meetings -- participating in
10 these monthly meetings, did you have any other dealings
11 with Ms. Bowden?

12 A. Yes.

13 Q. On what issues?

14 A. Well, there was a contentious issue where
15 MBCR and their pension consultants were trying to force
16 all Amtrak managers to transfer their 401K lump sums to
17 MBCR's custodian, ING. And at one management meeting --
18 I recognized that as being illegal. And at one
19 management meeting I spoke up and made it known that
20 there were three options: That managers could either
21 leave their 401K with Amtrak's custodian Vanguard, the
22 lowest-cost mutual fund company in the world and most
23 efficient, incidentally; or transfer it to MBCR's
24 custodian ING, which concerned me because they have high

1 fees, high expenses, poor performance and 12B1
2 redemption. It didn't seem like any anybody acting in a
3 fiduciary capacity would -- could, in good conscience,
4 recommend that.

5 Or the third option was to make an IRA
6 rollover and take control of your own lump sum. Those
7 were the three legal options that I specified at the
8 general meeting and a follow-up meeting amongst a
9 smaller group, which included Ms. Bowden.

10 Q. And when were these meetings that you're
11 referring to?

12 A. Spring of 03. I can't remember the exact
13 dates.

14 Q. And do you recall if Ms. Bowden said
15 anything in response to this issue?

16 A. I can't remember exactly. At the large
17 meeting -- at the second smaller meeting she was there.
18 I can't recall any particular comment. I think the
19 pension consultant from New Jersey -- we refer to them
20 as the Slick Brothers -- they did most of the talking.

21 Q. And in the end, were other options made
22 available to employees?

23 A. At the conclusion of the second meeting,
24 after listening to the discussion, the general manager,

1 Kevin Lydon, said that -- you know, it was clear that
2 they'd have to make all three options available to all
3 employees.

4 And I remember him saying that, you know,
5 when this was said and done, he'd like to sit down with
6 me and maybe I could recommend what he should be doing
7 with his 401K.

8 Q. Did anybody else raise concerns about the
9 initial lack of options besides yourself?

10 A. Not that I can recall.

11 Q. Apart from the meetings that you've
12 referenced with Ms. Bowden, did you have any dealings
13 with Ms. Bowden on any other issues?

14 A. Yes.

15 Q. What were the other issues?

16 A. Upon the transition, all managers needed to
17 attend an enrollment session to enroll for all the
18 benefits, which I believe there were two sessions. I
19 attended the first of the two and filled out all the
20 forms.

21 And at the second session of BET, I handed
22 Ms. Bowden a complete manilla folder with all my forms,
23 100 percent complete, for all my benefits.

24 It became known to us at some time after

1 to be a high rate of turnover in HR working for
2 Ms. Bowden, names like Brian Testa, Lisa, Adam, Emily,
3 and others that I'm sure I'm forgetting. It ultimately
4 took nine months for me to get two-thirds of the life
5 insurance I had previously had with Amtrak. And I was
6 finally notified of that approximately one or two weeks
7 before I was terminated. I'm sure it was just a
8 coincidence.

9 Q. Apart from the issues that you've
10 mentioned, did you have any dealings with Ms. Bowden on
11 any other issues?

12 A. Not that I can recall.

13 Q. Did you enjoy a good relationship with
14 Ms. Bowden?

15 A. I thought so with the exception that I
16 could never understand the delay of why it took nine
17 months to procure two-thirds of the life insurance when
18 MBCR was supposed to provide equal benefits.

19 Q. Did you have any difficulty with Ms. Bowden
20 before the incident that led to your termination?

21 A. No.

22 Q. Did Ms. Bowden ever say anything to you
23 that was complimentary about your performance as an MBCR
24 employee?

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1 life insurance, she assured me that she would work with
2 me and get it taken care of in an expeditious fashion,
3 which did not happen.

4 Q. Any other statements that she made to you
5 that you think weren't true?

6 A. No.

7 Q. Did anybody ever tell you that they
8 believed Ms. Bowden lied?

9 A. No.

10 Q. Did Ms. Bowden ever do or say anything in
11 your presence that indicated to you that she wanted your
12 employment with MBCR to end?

13 A. No.

14 Q. Did you learn that Ms. Bowden did or said
15 anything outside of your presence that indicated she
16 wanted your employment with MBCR to end?

17 A. Yes.

18 Q. What was that?

19 A. As I alluded to earlier, it's my
20 understanding that she -- after the first inquisition,
21 she made a recommendation to terminate my employment to
22 the general manager.

23 Q. And that was the information that you
24 learned as a result of the deposition last week?

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1 A. Yes.

2 Q. Apart from that statement, did you ever
3 learn from any other person that Ms. Bowden did or said
4 anything outside of your presence that indicated she
5 wanted your employment with MBCR to end?

6 A. No.

7 Q. Are you aware of any reasons that
8 Ms. Bowden may have wanted your employment to end?

9 A. Possibly the -- the only possibility would
10 be the incident with the life insurance and the 401K.
11 That's the only thing I can conceive of why she would --
12 she would possibly think that way.

13 Q. And what was it about the life insurance
14 that made you think she might have wanted your
15 employment to end?

16 A. I can't say for sure. It dragged on for
17 nine months, which was inconceivable to me, that the
18 head of HR couldn't make this happen in less than nine
19 months.

20 Q. This was the delay in your signing up for
21 life insurance?

22 A. No. It was -- I signed up at the original
23 enrollment. But that was delayed. Then I was on
24 vacation for two weeks in August --

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1 Q. Right.

2 A. -- and apparently missed some late
3 enrollment. And starting in September, Ms. Bowden
4 assured me that she would get me enrolled in life
5 insurance. And that did not happen until March of 04.

6 Q. And I'm just trying to understand why you
7 think she may have wanted your employment to end because
8 it took a while for you to get enrolled in life
9 insurance.

10 A. Speculation on my part. I'm not sure.

11 Q. Did she do or say anything that indicated
12 she harbored you any ill will in your attempt to get
13 life insurance?

14 A. No.

15 Q. Were there other people who were similarly
16 late in getting enrolled in their life insurance?

17 A. Not to my knowledge.

18 Q. Were you aware of the reason why there was
19 a delay in your getting enrolled?

20 A. Can you clarify the delay?

21 Q. Okay. You said that you -- from September
22 through March it took -- you say the paperwork went in
23 in September, and it took until March for you to get
24 life insurance; is that correct?

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1 A. Correct.

2 Q. So it's that delay I'm referring to. Do
3 you know why there was a delay between September and
4 March for you to get enrolled in life insurance?

5 A. I'm not certain. I think what contributed
6 to it was there was a series of HR -- probably not
7 employees because MBCR doesn't hire many HR employees.
8 They apparently were independent contractors working for
9 Ms. Bowden. And there was a high rate of turnover,
10 approximately one per month. They would stay for a
11 month and leave. And so there was no continuity in
12 dealing to try to get this matter resolved.

13 Q. To your knowledge, this was just a matter
14 of getting yourself enrolled in life insurance just like
15 all the other employees; is that correct?

16 A. Correct.

17 Q. And Ms. Bowden, to your knowledge, wasn't
18 trying to deprive you of your life insurance; is that
19 correct?

20 A. I don't know.

21 Q. Would Ms. Bowden have any motivation for
22 trying to deprive you of your life insurance that you're
23 aware of?

24 A. Not that I know of.

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1 would make sure that MBCR offered the three options that
2 you felt needed to get offered; is that correct?

3 A. Yes.

4 Q. And did anybody from MBCR indicate in any
5 way that MBCR was not willing to offer those three
6 options?

7 A. The pension consultants weren't too happy.
8 But nobody at MBCR objected.

9 Q. And did you have any reason to believe that
10 Ms. Bowden was concerned about offering the three
11 options that you felt needed to get offered?

12 A. No.

13 Q. And did Ms. Bowden ever say anything to you
14 that indicated she was concerned about your raising that
15 issue?

16 A. No.

17 Q. And did anybody ever tell you that
18 Ms. Bowden said anything that indicated she was
19 concerned about raising that issue?

20 A. No.

21 Q. And did Ms. Bowden treat you in any way
22 that you considered hostile until the meeting on March
23 26th?

24 A. No.

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1 Q. Did you consider that you suffered any
2 different terms and conditions in your employment as a
3 result of raising the issue about the 401K?

4 A. No.

5 Q. Did you suffer any changes or differences
6 in your terms and conditions of your employment as a
7 result of raising the issue about the life insurance?

8 A. No.

9 Q. So I just want to make sure I understand
10 why you think Ms. Bowden may have wanted to end your
11 employment because you raised the issue about the 401K.
12 What was it about that that makes you think she, in
13 particular, may have wanted to end your employment?

14 A. As I said previously, I believe I cost
15 somebody a big payday. Somebody was going to get a
16 percentage of all the money transferred. Somebody lost
17 out because of me speaking up. I can't prove who it
18 was, but there is little doubt in my mind that I cost
19 somebody a payday.

20 Q. Right. Are you saying that you cost
21 Ms. Bowden a payday?

22 A. I cannot prove that.

23 Q. I know you tell me you can't prove it. Do
24 you have any reason to believe that you were affecting

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1 her economically?

2 A. No.

3 Q. Apart from the issues about the 401K and
4 the life insurance, do you have any other reason to
5 think that she may have been out to get you in some way
6 or to end your employment?

7 A. No.

8 Q. Now, turning to the meeting on March 26th,
9 is it your understanding that when you met with
10 Ms. Bowden, Mr. Nevero and Mr. Urban on March 26th that
11 that was as part of an investigation into allegations
12 made by Alison Leaton?

13 A. Yes.

14 Q. And is it also your understanding that
15 Ms. Leaton was claiming that you screened out applicants
16 that Ms. Leaton thought might be minority or black
17 because of where they lived?

18 A. Yes.

19 Q. Do you have any reason to conclude that
20 Ms. Bowden acted improperly in looking into these
21 allegations?

22 A. Yes.

23 Q. Why?

24 A. I believe Ms. Bowden's mind was made up

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1 talking right now about just doing an investigation
2 without dealing with the investigation that she did.
3 Just the idea of doing an investigation. Was it
4 appropriate for Ms. Bowden to investigate the
5 allegations that Alison Leaton raised against you?

6 A. Not for me to determine.

7 Q. Do you have any reason to think that it was
8 inappropriate for her to look into these allegations?

9 A. No.

10 Q. Do you have any reason to conclude that
11 Ms. Bowden acted improperly in the manner in which she
12 investigated these allegations?

13 A. Yes.

14 Q. Name each way that you thought it was
15 improper.

16 A. I thought it was, as I described earlier,
17 similar to the Spanish inquisition. I was brought into
18 a room with three people sitting there with no prior
19 warning of what was going to be discussed so I could
20 prepare.

21 Ms. Bowden started right off, and as I
22 described earlier, took the lead and made these
23 allegations about me. And I just thought the whole
24 thing was a Spanish inquisition, very poorly done.

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1 Q. Okay. What I'm asking you about -- why you
2 felt it was a Spanish inquisition. I'd like you to
3 explain each and every way you felt that it was an
4 improper kind of meeting.

5 I understand you said that you had no
6 advance notice. I got that. In addition to having no
7 advance notice, what was it that happened in the meeting
8 that you felt was an inappropriate way to conduct an
9 investigation?

10 A. I called Ms. Bowden's office the day before
11 to inquire as to the details of the meeting so I could
12 better prepare and, as usual, got voice mail or a
13 machine. And she never returned my call, which was
14 standard procedure for her. So I had no knowledge, no
15 preparation. I'm performing my normal duties. And I go
16 in and get blind-sided by these three.

17 Q. Mr. Mistovich, I'm just going to interrupt
18 for a second. I'm going to go back and ask you the
19 details of each -- for each of the reasons why you say
20 that you thought that the manner in which she
21 investigated these allegations was improper.

22 But I'm just trying to get -- before we go
23 into the details of each of those reasons what -- you
24 know, in a general sense what each of those reasons

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1 were. And then we're going to go back, and I'm going to
2 ask you some follow-up questions.

3 So you've talked about no advance notice.
4 And I'm going to go back and ask you questions about
5 that. I'm trying to understand what else it was on a
6 general statement in the meeting. And then I'm going to
7 go back and you're going to have the opportunity to say
8 what you want to communicate.

9 But if you could just list on a general
10 level each of the things that you felt were
11 inappropriate about the manner in which this meeting was
12 conducted. I've got lack of advance notice.

13 A. Your question is?

14 Q. What were the other reasons that you felt
15 the meeting was inappropriately conducted besides lack
16 of advance notice?

17 A. She hit me with these allegations. You
18 know, again, I had no preparation. I'm sitting there in
19 a daze. I'm on medication for high blood pressure. And
20 my whole mentality was slowed. Mentally I was sluggish.
21 I couldn't quite grasp what was going on. It was
22 surreal to me to be hit with these allegations.

23 She accused me of stonewalling. The
24 allegation was so outrageous that I was speechless. I

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1 have even asked you about the allegations that Alison
2 Leaton brought against you?

3 A. There could have been some advance warning
4 so I at least could have been better prepared to discuss
5 it rather than hit stone cold and blind-sided. It
6 almost appeared like a set-up to me.

7 Q. Again, apart from the advance warning -- I
8 understand that you were concerned because you say you
9 didn't have advance warning. Are you saying that it was
10 improper for Ms. Bowden to ask you questions about your
11 hiring practices?

12 A. No.

13 Q. Are you saying that there was anything
14 improper about Ms. Bowden asking you the questions that
15 she asked you in this meeting?

16 A. Can you repeat that question?

17 Q. Are you saying that there was anything
18 improper about the questions that Ms. Bowden asked you
19 in this meeting?

20 A. Yes.

21 Q. What was improper about the questions that
22 she asked you?

23 A. I thought it was outrageous for her to have
24 apparently taken some allegations made by Alison Leaton

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1 and lend credence to them to even ask me questions about
2 it. I thought it was absurd.

3 Q. So you didn't think she should even ask you
4 these questions; is that correct?

5 A. I thought it was outrageous.

6 Q. You thought it was outrageous that she even
7 asked you any questions?

8 A. Yes.

9 Q. So did you think it was outrageous that she
10 even conducted an investigation then?

11 A. I thought it wreaked. As I said at the
12 second session, it smelled. But then I corrected
13 myself. It wreaked. It wreaked that I was being set
14 up.

15 Q. Are you saying that Ms. Bowden should not
16 have asked you any questions about Alison Leaton's
17 allegations?

18 A. I'm saying it could have been done in a
19 different format. The way it was done, similar to an
20 inquisition, I thought was outrageous for somebody who
21 had spent their entire career in the railroad industry
22 and had been doing hiring for 26 years with many
23 commendations, outrageous.

24 Q. I just want to be clear because it's

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1 unclear to me what was outrageous. It was outrageous
2 that you were brought in without advance notice; is that
3 correct?

4 A. Yes.

5 Q. Once you were in the room, was there -- and
6 I understand that you're concerned about the lack of
7 advance notice -- was there anything outrageous about
8 her simply asking you the questions that she asked you?

9 A. I thought so, to be bombarded with these
10 allegations sitting there under heavy medication. I
11 didn't know what to do or say or respond. I was -- I
12 was speechless.

13 Q. But was there something about the questions
14 that she asked that you thought were improper?

15 A. Yes.

16 Q. What was improper about the questions that
17 she asked?

18 A. I felt the tone and the type of questions
19 was such that it left little doubt in my mind that
20 Ms. Bowden had made up her mind to give credence to
21 whatever allegations -- absurd allegations Alison Leaton
22 made, irregardless of my response.

23 Q. And when you say the tone, what was it
24 about the tone that she used that made you believe that?

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1 A. Very accusing, not what you would call a
2 fair, impartial tone of voice and very curt questions.
3 And the whole mannerisms and tone was very accusing and
4 left no doubt that she had already made her mind up. So
5 it was a charade, a set-up, basically.

6 Q. What were the types of questions that she
7 asked that made you conclude that they were improper?
8 What were the questions that you were referring to when
9 you say they were improper questions?

10 A. She -- one -- one I recall was she was
11 asking me about -- accusing me of, in reviewing resumes,
12 that I'm excluding resumes based on where a candidate
13 lives. I had no idea what she was talking about.

14 Q. Do you think it was inappropriate for her
15 to ask you that question?

16 A. I think it could have been asked in a
17 different forum. But in the forum with her asking --
18 and the other two gentlemen there, what their roles
19 were, I don't know -- witnesses or observers, whatever.

20 To me, the deck was stacked already.
21 Somebody had made up their mind that this must have been
22 true, and let's set Eli up, for whatever reason. I
23 don't know.

24 Q. Well, name each reason why you think

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1 the questions that she asked. And you said that she
2 accused you of stonewalling. Apart from those three
3 things, is there anything that she said or did that led
4 you to believe that she had made up her mind that you
5 were discriminating before you went into the room on
6 March 26th?

7 MR. TEAGUE: I object to the form of the
8 question.

9 A. Yes.

10 Q. What was that?

11 A. Subsequent to this meeting, I became aware
12 that there had been some concerns raised by Boston City
13 Councilor Chuck Turner concerning MBCR's hiring and lack
14 of diversity in the workforce and that Ms. Bowden and I
15 believe Robin McCullen Diaz, one of the other four
16 members of the diversity subcommittee that would sit in
17 and observe interviews, went up to Boston City Hall and
18 had a meeting with the councilor. And my understanding
19 is they were lambasted by the councilor.

20 What I believe happened is that Ms. Bowden
21 came back and blasted Ms. Leaton, who is the sole
22 recruiter, and who, again, coincidentally was nearing
23 the end of her six-month contract, which was not going
24 to be renewed for reasons we can only speculate about.

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1 And I got thrown under the bus by Ms. Leaton in a
2 desperate attempt to salvage her contract or her job.

3 So I believe Ms. Bowden had an agenda
4 entering that first inquisition that -- and I believe I
5 was made out to be a sacrificial lamb to solve all of
6 MBCR's hiring ills.

7 Q. And who told you about this meeting with
8 Councilor Chuck Turner?

9 A. I can't recall.

10 Q. And are you saying this meeting with
11 Councilor Turner was after the March 26th meeting?

12 A. I'm not sure of the exact date, but I'd
13 love to find out.

14 Q. And you're saying that Ms. Bowden made up
15 her mind as a result of what happened in this meeting
16 with Chuck Turner? Is that correct?

17 A. I believe she was looking for a sacrificial
18 lamb to take the heat off her, Ms. Leaton, and MBCR.
19 And along comes Eli as a convenient scapegoat for every
20 department's ills in MBCR. That is outrageous.

21 Q. Okay. In addition to -- the question
22 before you are all the reasons why you believe
23 Ms. Bowden had made up her mind before the meeting on
24 March 26th that you were discriminating against African-

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1 were asked. And, again, I was speechless for periods of
2 time. I just didn't know how to respond to these -- and
3 she immediately accused me of stonewalling and said
4 that, Well, you're stonewalling this. You're not going
5 to respond so we have to assume that Ms. Leaton's
6 allegations are true. That's the gist of my
7 recollection. And I just thought that was incredible.

8 Q. So you thought it was incredible that when
9 you were unable to respond to her questions that she
10 told you that they were going to have to believe Alison
11 Leaton's allegations were true; is that correct?

12 A. Not just the subject but the way it was
13 said left no doubt in my mind that Ms. Bowden had her
14 mind made up.

15 Q. So when you say the way it was said, you
16 mean her tone of voice; is that correct?

17 A. Yes.

18 Q. But I'm trying to understand. Apart from
19 her tone of voice, is there anything about her telling
20 you that if you were unable to answer the questions that
21 they were going to have to conclude Alison Leaton's
22 allegations were true that led you to believe that she
23 had made up her mind?

24 A. Could you repeat that one? You lost me.

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1 Q. You indicated that because she -- because
2 Ms. Bowden said that if you couldn't answer the
3 questions they were going to conclude that you had
4 discriminated, is there anything about her telling you
5 that, apart from her tone of voice, that you think was
6 improper?

7 A. I think it was improper to be accused of
8 something like that. I'm sitting there in a daze,
9 unable to respond. I thought it was incredibly
10 improper, the whole inquisition.

11 Q. What was improper about her telling you
12 that if you couldn't answer the questions they were
13 going to have to conclude that they were true? What was
14 improper about that?

15 A. What was improper is Ms. Bowden came in
16 with a prearranged list of questions all scripted out.
17 I'm coming in stone cold, not a clue what's going on,
18 heavily medicated with high blood pressure -- a total
19 contrast. It was -- it was unfair, to say the least.
20 The whole process was unfair.

21 Q. Was there anything improper -- here's my
22 question to you on specifics. I understand you're
23 complaining about things generally. But I'm trying to
24 figure out for each of those things whether you thought

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1 it was improper or not.

2 So when she told you that if you couldn't
3 answer her questions they were going to have to conclude
4 that you, in fact, were discriminating, was it improper
5 for her to tell you that?

6 A. I don't know. I can't recall exactly. I'm
7 sitting there in a daze. I don't know whether it was
8 improper or not.

9 Q. So you don't know whether it was improper
10 for her to tell you that if you couldn't answer the
11 questions they were going to have to conclude that you
12 were discriminating?

13 A. I feel it was improper.

14 Q. Okay. Well, that's my question. What was
15 improper about it?

16 MR. TEAGUE: I think that's been asked and
17 answered.

18 MS. RUBIN: Well, it's been asked, but it
19 hasn't been answered.

20 MR. TEAGUE: I tend to disagree, and you're
21 starting to argue with the witness so I'm going to
22 object.

23 Q. Could you please explain each reason why
24 you thought it was improper for her to tell you that if